IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Revision No.4568 of 2007

Date of Decision: September 10, 2007

Kasturi Devi .....Petitioner

Versus

Lakhmi Chand .....Respondent

CORAM:- HON'BLE MR.JUSTICE S. D. ANAND

Present: Mr.J.D.Gautam, Advocate for the petitioner.

S. D. ANAND, J.

The learned Trial Court, while allowing a plea preferred by the plaintiff-petitioner under Order 39 Rules 1 and 2 read with Section 151 of the Code of Civil Procedure, restrained defendant-respondent from interfering in the possession of the plaintiff-petitioner. Thereafter, on a motion, it directed the SHO concerned to render reasonable police help to the plaintiff-petitioner after verifying the complaint, if any was presented to him. Thereafter, the plaintiff-petitioner applied for the summoning of the SHO to explain why he had not implemented the orders directing him to render reasonable police assistance to the plaintiff-petitioner. That application was declined by the learned Trial Court vide the impugned order dated 17.8.2007.

The grievance of the learned counsel for the petitioner is that the impugned order deserves to be invalidated for the simple reason that the

grant of relief applied for had not been opposed even by the learned counsel appearing on behalf of defendant-respondent.

As noticed in an earlier part of this order, reasonable police assistance was to be rendered only if an application was presented in the relevant behalf by the plaintiff-petitioner before the S.H.O. The learned Trial Court noticed that the application presented before the S.H.O. did not indicate any act of interference or trespass by the defendant-respondent after 18.5.2007. Learned counsel for the plaintiff-petitioner is not in a position to find any factual error in the facts noticed by the learned Trial Court.

The mere fact, that the respondent did not oppose the grant of the application, would not compel the Court to hold a police official accountable for what he was not proved to have done.

Dismissed.

(S. D. ANAND)
JUDGE

September 10, 2007
SRM